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10/804,946	03/19/2004	Joseph A. Manico	87489NAB	8070

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EXAMINER
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PASIEWICZ, DANIEL M

ART UNIT	PAPER NUMBER
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2622

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/804,946	<b>Applicant(s)</b> MANICO ET AL.	
	<b>Examiner</b> DANIEL M. PASIEWICZ	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 57-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 57-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/20/2010 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 7/20/2010 have been fully considered but they are not persuasive.

3. With respect to **claim 57-64** Applicant presents various arguments with respect to the previously applied Matsufune and Parulski and how they read on the claim limitations. While the Examiner finds these arguments not persuasive, **claims 57-64** are new and for the sake of brevity how the limitations of the claims are taught or suggested by Matsufune and/or Parulski will be addressed in detail in the rejection of the claims below.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 57-60 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2004/0095474 A1 to Matsufune in view of U.S. Patent 5,914,748 to Parulski et al.**

6. With respect to **claim 57 Matsufune** discloses, in Fig. 1-33, a method for producing a video presentation in a digital video camera (paragraph 64) comprising: a) providing the digital video camera (1) with: an image sensor (CCD) for capturing images (paragraph 78), a display (29) for viewing the captured images (paragraph 68), a processor (11) for processing the captured images to produce processed images (paragraph 71, 76 and 394-395; where the system controller controls the entire camera and implements a program to perform the process which includes the operation modes adding effects and changing the display state), and a memory (90) for storing the captured images, the processed images, and a set of programmed instructions associated with a particular event or theme (paragraph 84, 86-87, 124, 153, 166, 235 and 362; where the set of programmed instructions comprises the template and the template is associated with a particular event or theme such as diving or a business application), the set of programmed instructions including: i) capture instructions for instructing the processor to provide guidance to a user to enable the user to capture a plurality of user-captured motion image sequences (paragraph 109, 117-118 and 126; where the template gives the user instructions on the manner of shooting required for scenes); ii) a plurality of pre-stored motion image sequences to be incorporated in the

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video presentation (paragraph 163; where clips used by the templates every time are stored in advance in the camera); and iii) control instructions for instructing the processor to automatically assemble the video presentation (paragraph 154-163 and 387; where “after necessary scenes are shot, a perfect packaged program is generated automatically without the editing”); b) using the capture instructions to guide the user while capturing the plurality of user-captured motion image sequences (Fig. 19 and paragraph 249-251); c) storing the plurality of user-captured motion image sequences in the memory in accordance with the capture instructions (paragraph 250; where the captured scenes are stored in disk 90 which also stores the template (i.e. capture instructions) and the clip is stored “as a file associated with the selected scene” of the template); and d) using the control instructions to automatically assemble the video presentation (paragraph 154-163; where “after necessary scenes are shot, a perfect packaged program is generated automatically without the editing”).

7. **Matsufune** also discloses the need (and goal of the invention) to provide complex video editing functions, which typically include special effects, in a simple manner (paragraph 16 and 21-22) and **Matsufune** discloses the capability to add effects via the control panel (paragraph 71). **Matsufune** does not expressly disclose examples of added effect. Specifically, **Matsufune** does not expressly disclose wherein the control instructions cause the processor to form at least one composite motion image sequence including at least a portion of one user-captured motion image sequence and at least a portion of one pre-stored motion image sequence.

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8. In analogous art, **Parulski** teaches, in Fig. 1, an imaging system for capturing images (abstract) wherein a particular one of the individual members captured by the camera operator represents a background of another of the individual members, but without a subject of the other of the individual members (step 16 and 20, column 2 lines 34-37), wherein the added pre-stored images include a pre-stored background image (28) (column 2 lines 41-42), wherein the instructions for assembling include instructions for replacing the background of the other of the individual members with the pre-stored background image, while retaining the subject of the other of the individual members (step 30 and 26, column 2 lines 39-45), and wherein the replacing is performed by comparing the background represented by the particular individual member and the background of the other of the individual members to form a composite image made from a captured image and a pre-stored image (step 24 and 26, column 2 lines 32-34 and 37-45). Therefore, **Parulski** teaches wherein the control instructions cause the processor to form at least one composite motion image sequence including at least a portion of one user-captured motion image sequence and at least a portion of one pre-stored motion image sequence.

9. At the time the invention was made it would have been obvious to one of ordinary skill in the art to have included the special effects of **Parulski** for creating composition images in the method for creating video presentations by templates with control instructions of Matsufune, for doing so would provide a known special effect in the art that comprises a means for extraction of people/objects of interest which is easily accomplished by inexperienced users without requiring a special colored background,

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which reduces the cost and lighting required from previous systems (**Parulski**, column 1 lines 21-23 and 31-35) which corresponds to the stated goal of **Matsufune** which is to provide complex video editing functions, which typically include special effects, in a simple manner (**Matsufune**, paragraph 16 and 21-22).

10. With respect to **claim 58 Matsufune in view of Parulski** teaches wherein the pre-stored motion image sequence used to form the composite motion image sequence includes camera motion (paragraph 113, 163, 168 and 390 of Matsufune and column 2 lines 39-45 of Parulski; where Parulski teaches the new background may be stored images in memory and Matsufune discloses pre-stored clips may comprise moving or still image data recorded on the disk which includes moving image data captured by a camera; paragraph 390 of Matsufune discloses how moving images captured by a camera can comprise camera motion such as zooming and/or panning, thus the pre-stored image sequences available for compositing include camera motion) and wherein the control instructions further include instructions to enable the processor to process the user-captured motion image sequence to digitally simulate the camera motion (column 2 lines 31-45 of Parulski; where composite images are made with pre-stored background images; if these pre-stored background images comprise camera motion such as panning or zooming of the camera at capture they would digitally simulate camera motion when composited with captured scenes).

11. With respect to **claim 59 Matsufune in view of Parulski** teaches wherein the simulated camera motion provides an apparent pan and zoom sequence (paragraph 390; where as discussed above with respect to claim 58, the new background video

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could comprise camera motion from the user panning and zooming during the capture of the video).

12. With respect to **claim 60 Matsufune in view of Parulski** teaches wherein the simulated camera motion provides camera rotation (paragraph 390; where as discussed above with respect to claim 58, the new background video could comprise camera motion from the user panning and zooming during the capture of the video and where one of ordinary skill in the art would recognize that panning could comprise rotation of the camera).

13. With respect to **claim 65 Matsufune in view of Parulski** teaches wherein the pre-programmed instructions provide a plurality of presentation themes that can be selected using the operator interface, each presentation theme having associated pre-programmed instructions (paragraph 153, 232 and 362; where as discussed above the templates comprise pre-programmed instructions and where a plurality of templates may be provided and selected from by the user, these templates may be for themes such as diving or business applications).

**14. Claims 61-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2004/0095474 A1 to Matsufune in view of U.S. Patent 5,914,748 to Parulski et al in further view of the Non-Patent Literature (NPL) iMovie: Introduction to Digital Video Editing by The University of Kansas.**

15. With respect to **claims 61-64 Matsufune in view of Parulski** teach the limitations of claim 57 as discussed above. Additionally, **Matsufune** also discloses the need (and goal of the invention) to provide complex video editing functions, which



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typically include special effects, in a simple manner (paragraph 16 and 21-22) and **Matsufune** discloses the capability to add effects via the control panel (paragraph 71) and have control information for controlling the camera within the template (paragraph 387-390). **Matsufune** does not expressly disclose examples of added effects, such as a time-reversal effect, slow motion image sequence effect and accelerated motion image sequence effect. Specifically, **Matsufune** does not expressly disclose wherein the control instructions further include instructions to enable the processor to process the user- captured motion image sequence to provide time-reversal (claim 61); wherein the control instructions further include instructions to enable the processor to process the user-captured motion image sequence to provide a slow motion image sequence (claim 62); wherein the control instructions further include instructions to enable the processor to process the user- captured motion image sequence to provide an accelerated motion image sequence (claim 63); or wherein the control instructions further include instructions to enable the processor to process the user- captured motion image sequence to provide a slow-motion forward sequence followed by a slow-motion time-reversal sequence (claim 64).

16. However, as demonstrated by the **NPL iMovie**, video editing effect such as a time-reversal effect, slow motion image sequence effect, accelerated motion image sequence effect where known in the art at the time Applicant's invention was made (see Page 5 "Adjusting speed" and Adjusting direction" sections).

17. Therefore, at the time the invention was made it would have been obvious to one of ordinary skill in the art to have included a time-reversal effect, slow motion effect and

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acceleration effect as an effect as discussed in **Matsufune**, as all where know in the art at of video editing at the time of Applicant's invention and **Matsufune** discloses the need to provide complex video editing functions, which typically include special effects, in a simple manner (paragraph 16 and 21-22).

18. The Examiner notes that by providing these effects as discussed above control instructions of the templates created by the user which comprise control information of **Matsufune** would provide “instructions to enable the processor to process the user-captured motion image sequence to provide time-reversal” as claimed in claim 61; “instructions to enable the processor to process the user-captured motion image sequence to provide a slow motion image sequence” as claimed in claim 62; “instructions to enable the processor to process the user-captured motion image sequence to provide an accelerated motion image sequence” as claimed in claim 63; and “instructions to enable the processor to process the user-captured motion image sequence to provide a slow-motion forward sequence followed by a slow-motion time-reversal sequence” as claimed in claim 64 as the user defines the operations of the templates when they are created and could arrange the effects as claimed.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent Application Publication 2004/0004665 A1 to Kashiwa which is a US equivalent of JP 2004-032277 cited in the IDS filed 7/20/2010 and

discloses creating templates for combining video clips and adding effects to the clips as part of the template.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL M. PASIEWICZ whose telephone number is (571)272-5516. The examiner can normally be reached on M-F 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel M Pasiewicz/  
Examiner, Art Unit 2622

July 29, 2010